

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
ASCENTIAL SOFTWARE CORPORATION,)	
)	
Plaintiff)	
)	Civil Action No. 04-40130-DPW
v.)	
)	
RUSSELL DODSON,)	
)	
Defendant)	
_____)	

JOINT MOTION TO AMEND SCHEDULING ORDER

The Plaintiff Ascential Software Corporation (“Ascential”) and Defendant Russell Dodson (“Dodson”) respectfully request that this Court modify its previously entered Scheduling Order dated July 16, 2004, (the “Scheduling Order”) to provide additional time for discovery, to provide specific dates for the filing of rebuttal expert reports and to extend the current deadlines by sixty days. The additional time is needed for the parties to enter into a protective order, to conduct discovery, to resolve discovery issues, to identify experts and to prepare the disclosures set forth in Rule 26 of the Federal Rules of Civil Procedure.

Ascential and Dodson propose that the Scheduling Order be amended as follows:

1. all trial experts are to be designated and disclosure of information contemplated by Fed. R. Civ. P., Rule 26 provided by the plaintiff no later than **NOVEMBER 15, 2004**, and by the defendant no later than **NOVEMBER 15, 2004**;
2. all rebuttal expert reports shall be provided by the plaintiff no later than **DECEMBER 15, 2004**, and by the defendant no later than **DECEMBER 15, 2004**;
3. deposition discovery of experts shall be completed by **DECEMBER 31, 2004**;

4. discovery is to be completed by **DECEMBER 31, 2004**, unless shortened or enlarged by Order of this Court;
5. a further scheduling/status conference is set for **JANUARY 10, 2005 AT 2:30 P.M.**, or as scheduled by the Court, in Courtroom 1 on the 3rd floor before Hon. Douglas P. Woodlock, U.S.D.J. By **JANUARY 5, 2005** the parties shall file a STATUS REPORT indicating the current status of the case, including discovery proceedings, settlement discussions, pending or contemplated motions, proposed dates for pretrial conferences and for trial, and any other matters which should be addressed at the further conference. The parties shall be prepared for trial on the merits after completion of discovery.

Respectfully Submitted,

Respectfully Submitted,

ASCENTIAL SOFTWARE
CORPORATION,
By its attorneys,

RUSSELL DODSON
By his attorneys,

/s/ Amy B. Abbott
Daniel E. Rosenfeld (BBO #560226)
Amy B. Abbott (BBO #648072)
KIRKPATRICK & LOCKHART LLP
75 State Street
Boston, MA 02109-1808
(617) 261-3100

/s/ Christopher Kaczmarek
James S. Dittmar, P.C. (BBO #126320)
Robert M. Hale (BBO #217710)
Christopher Kaczmarek (BBO #647085)
GOODWIN PROCTER LLP
Exchange Place
Boston, MA 02109
(617) 570-1000

QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP
Samuel B. Shepherd (CA Bar No. 163564)
Robert W. Stone (CA Bar No. 163513)
Ann M. Heimberger (CA Bar No. 197060)
Matthew W. Meskell (CA Bar No. 208263)
50 California Street, 22nd Floor
San Francisco, CA 94111
(415) 875-6600

Dated: September 16, 2004